

DIVISIONAL REALIGNMENT ACT OF 2012

MAY 29, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 5512]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5512) to amend title 28, United States Code, to realign divisions within two judicial districts, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	2
Committee Votes	2
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Performance Goals and Objectives	4
Advisory on Earmarks	4
Section-by-Section Analysis	4
Agency Views	5
Changes in Existing Law Made by the Bill, as Reported	10

Purpose and Summary

On March 13, 2012, the Judicial Conference of the United States adopted a proposal for a draft bill that realigns judicial divisions within the Eastern District of Missouri and the Northern District of Mississippi. The realignments improve judicial administration

and benefit litigants and jurors. The “Divisional Realignment Act of 2012” reflects the draft developed by the Judicial Conference.

Background and Need for the Legislation

EASTERN DISTRICT OF MISSOURI

The Judicial Conference recommends shifting two counties (Iron and Saint Genevieve) from the Eastern Division to the Southeastern Division of the District. The two counties have a combined population of 29,000 but their cases, like others from the Eastern Division, are considered in St. Louis, with a population of 2.2 million.

A new state-of-the-art courthouse has opened in Cape Girardeau, which is part of the Southeastern Division. Shifting Iron and Saint Genevieve to the Southeastern Division better aligns the places of holding court with the total population served, equalizes the workload of the two divisions, and maximizes appropriate utilization of the new court facility. In addition, the commute to Cape Girardeau is shorter than to St. Louis and therefore benefits the affected jurors, litigants, and practicing attorneys.

The change is supported by judges of the Eastern District, the Eighth Circuit Judicial Council, and the Eastern District Bankruptcy Court and US Attorney.

NORTHERN DISTRICT OF MISSISSIPPI

The Northern District of Mississippi has four statutory divisions but only three Federal courthouses. The US Judicial Conference recommends (1) eliminating the Delta Division by reallocating the eight counties in that division among the three remaining divisions and (2) renaming two of the three remaining divisions.

The existing alignment complicates venue and jury selection because the court cannot select a jury only from the Delta Division. The realignment ensures all counties in the District are statutorily linked to divisions with courthouses. The change also promotes economical travel for jurors and more fairly balances the caseload through the alignment of certain counties.

The realignment is supported by the judges of the Northern District, the Fifth Circuit Judicial Council, and the Northern District US Attorney.

Hearings

The Committee on the Judiciary held no hearings on H.R. 5512.

Committee Consideration

On May 16, 2012, the Committee met in open session and ordered the bill H.R. 5512 favorably reported, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee’s consideration of H.R. 5512.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 5112, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 24, 2012.

Hon. LAMAR SMITH, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5512, the "Divisional Realignment Act of 2012."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 5512—Divisional Realignment Act of 2012.

As ordered reported by the House Committee on the Judiciary on
May 16, 2012.

H.R. 5512 would realign the Federal court districts of Eastern Missouri and Northern Mississippi and condense the four divisions of the Northern District of Mississippi into three.

Based on information provided by the Administrative Office of the U.S. Courts, CBO estimates that implementing H.R. 5512 would have only minimal administrative costs and thus would have no significant impact on the Federal budget. Enacting H.R. 5512

would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 5512 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistance Director for Budget Analysis.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5512 will improve the administration of justice in the Eastern District of Missouri and the Northern District of Mississippi by realigning certain divisions within each district.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5512 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title.

This Act may be cited as the “Divisional Realignment Act of 2012.”

Sec. 2. Realignment with the Eastern District of Missouri.

Section 2 amends 28 USC § 105(a) by striking Iron and Saint Genevieve Counties from inclusion in the Eastern Division of the Eastern District of Missouri and transferring both to the Southeastern Division.

Sec. 3. Realignment within the Northern District of Mississippi.

Section 3 amends 28 USC § 104(a) by realigning the four divisions within the Northern District of Mississippi as follows:

- The Delta Division is eliminated and its eight counties are reallocated among the three remaining divisions.
- Webster County moves from the renamed Oxford Division to the renamed *Aberdeen Division*; DeSoto, Panola, Quitman, Tallahatchie, Tate, and Tunica Counties move from the former Delta Division to the renamed *Oxford Division*; and Bolivar and Coahoma Counties from the former Delta Division, Grenada and Montgomery Counties from the renamed Oxford Division, and Attala County from the renamed Aberdeen Division all move to the *Greenville Division*.
- The towns of Clarksdale and Cleveland are listed as authorized places of holding court for the Greenville Division instead of the former Delta Division.

Agency Views



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE THOMAS F. HOGAN
Secretary

April 25, 2012

Honorable Lamar S. Smith
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

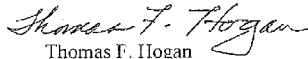
Dear Mr. Chairman:

On behalf of the Judicial Conference of the United States, I am transmitting for your consideration the proposed "Divisional Realignment Act of 2012," which is enclosed. The draft bill contains two proposals adopted by the Conference on March 13, 2012. The first one would shift two counties from one division to another within the Eastern District of Missouri. The second proposal would essentially eliminate one division in the Northern District of Mississippi and reassign the affected counties to the remaining divisions. Also enclosed is a section-by-section analysis of the proposed legislation.

These realignments will improve judicial administration and benefit litigants and jurors. They have the approval of the respective circuit judicial councils and the United States attorneys for the judicial districts involved.

If we may be of additional assistance to you, please do not hesitate to contact our Office of Legislative Affairs at (202) 502-1700.

Sincerely,


Thomas F. Hogan
Secretary

Enclosures

Identical letters sent to: Honorable Eric I. Cantor
Honorable Nancy Pelosi
Honorable John Conyers, Jr.

112th CONGRESS
2nd SESSION

To amend title 28, United States Code, to realign divisions within two judicial districts.

IN THE SENATE / HOUSE OF REPRESENTATIVES

A BILL

To amend title 28, United States Code, to realign divisions within two judicial districts.

1 *Be it enacted by the Senate and House of Representatives of the United States of America*
2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Divisional Realignment Act of 2012".

5 **SEC. 2. REALIGNMENT WITHIN THE EASTERN DISTRICT OF MISSOURI.**

6 Section 105(a) of title 28, United States Code, is amended—

7 (a) in paragraph (1) by striking "Iron," and "Saint Genevieve,;" and

8 (b) in paragraph (3) by inserting "Iron," after "Dunklin," and "Saint Genevieve,"
9 after "Ripley,;".

10 **SEC. 3. REALIGNMENT WITHIN THE NORTHERN DISTRICT OF MISSISSIPPI.**

11 Section 104(a) of title 28, United States Code, is amended by deleting (a) and inserting
12 the following:

13 "(a) The northern district comprises three divisions.

14 (1) The Aberdeen Division comprises the counties of Alcorn, Chickasaw,
15 Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Prentiss,
16 Tishomingo, Webster, and Winston.

17 Court for the Aberdeen Division shall be held at Aberdeen, Ackerman, and
18 Corinth.

1 (2) The Oxford Division comprises the counties of Benton, Calhoun, De
2 Soto, Lafayette, Marshall, Panola, Pontotoc, Quitman, Tallahatchie, Tate,
3 Tippah, Tunica, Union, and Yalobusha.
4 Court for the Oxford Division shall be held at Oxford.
5 (3) The Greenville Division comprises the counties of Attala, Bolivar,
6 Carroll, Coahoma, Grenada, Humphreys, Leflore, Montgomery,
7 Sunflower, and Washington.
8 Court for the Greenville Division shall be held at Clarksdale, Cleveland,
9 and Greenville.”

DIVISIONAL REALIGNMENT ACT OF 2012

Section-by-Section Analysis

The Divisional Realignment Act contains two proposals adopted by the Judicial Conference of the United States in March 2012. Each realigns divisions within a federal judicial district so as to allow the court to better manage cases for the benefit of litigants and jurors in those districts.

Section 1.

This section entitles the bill as the "Divisional Realignment Act of 2012."

Section 2.

This section shifts two counties from one division to another within the Eastern District of Missouri. More specifically, it amends 28 U.S.C. § 105(a) to transfer Iron and Saint Genevieve Counties from the Eastern Division to the Southeastern Division. The purpose is to enhance convenient access to court services for the public and improve judicial administration of the caseload. The realignment is supported by workload and geographical considerations.

The Eastern District of Missouri has three statutory divisions as follows: the Eastern Division, the Northern Division, and the Southeastern Division. Court for the Eastern Division is held at Saint Louis, court for the Northern Division is held at Hannibal, and court for the Southeastern Division is held at Cape Girardeau.

Iron and Saint Genevieve Counties, which are currently located within the Eastern Division, have a combined population of 28,775. Cases from those two counties, along with others in the Eastern Division, are considered in St. Louis. The population served by the St. Louis courthouse is 2,213,273.

In 2008, a new, state-of-the-art federal courthouse opened in Cape Girardeau, which is where court is held for the Southeastern Division. The population served by that courthouse is 366,773.

Transferring the Counties of Iron and Saint Genevieve to the Southeastern Division would decrease the population served in St. Louis by one percent, while increasing the population served at Cape Girardeau by seven percent. Furthermore, the population of Saint Genevieve has grown by 20 percent over the past 30 years. Thus, transferring these two counties would better align the places of holding court with the total population served.

Regarding the workload, this proposal to shift two counties would help to equalize the workload of the Eastern and Southeastern Divisions. Between 2006 and 2011, in Iron and Saint Genevieve Counties there were 53 criminal investigations that resulted in 21 criminal prosecutions. The civil caseload for these two counties has averaged 16 filings per year, while the bankruptcy filings has averaged 90 per year. The court believes that the workload emanating from these two counties can be easily handled in the new courthouse in Cape Girardeau and would maximize appropriate utilization of that new court facility.

Regarding geography, the distances from the county seats of Iron and Saint Genevieve Counties to the Cape Girardeau courthouse are 71 miles and 59 miles, respectively. The distances from these county seats to the courthouse in St. Louis are greater: 90 miles from Iron County and 64 miles from Saint Genevieve. In addition, the court surveyed attorneys practicing in Iron and Saint Genevieve Counties, and they reported that they prefer to travel to Cape Girardeau. The shortened distances would also benefit jurors and lessen the cost of mileage expenses for the court.

The judges in the Eastern District have voted to propose this realignment, and the Eighth Circuit Judicial Council has approved it. In addition, the Bankruptcy Court and the United States Attorney for the Eastern District of Missouri support the proposal.

Section 3.

This section amends 28 U.S.C. § 104(a) to eliminate the Delta Division in the Northern District of Mississippi by reallocating the eight counties in that division among the three remaining divisions. It also renames two of the remaining divisions: the "Eastern Division" becomes the "Aberdeen Division" and the "Western Division" becomes the "Oxford Division."

Section 3 substitutes a new description of the three remaining divisions that reflects the following county transfers: (1) Webster County moves from the renamed Oxford Division to the renamed Aberdeen Division; (2) DeSoto, Panola, Quitman, Tallahatchie, Tate, and Tunica Counties move from the former Delta Division to the renamed Oxford Division; and (3) Bolivar and Coahoma Counties from the former Delta Division, Grenada and Montgomery Counties from the renamed Oxford Division, and Attala County from the renamed Aberdeen Division all move to the Greenville Division.

In addition, all places of holding court that are currently authorized would continue to exist. The towns of Clarksdale and Cleveland would be listed as authorized places of holding court for the Greenville Division instead of the former Delta Division.

The Northern District of Mississippi currently has four statutory divisions; however, the district has only three federal courthouses. The Delta Division is not serviced by a courthouse. This fact has created unnecessary issues regarding venue and jury selection, because of the court's inability to select a jury only from the Delta Division. The realignment will ensure all counties in the district are statutorily linked to divisions with courthouses. It will also be more economical for juror travel and will more fairly balance the caseload through the realignment of certain counties.

The judges of the Northern District of Mississippi initiated this proposal, which has been approved by the Fifth Circuit Judicial Council. In addition, the proposal is supported by the United States Attorney for the Northern District of Mississippi, as well as the Mississippi Chapter of the Federal Bar Association.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 28, UNITED STATES CODE

* * * * *

PART I—ORGANIZATION OF COURTS

* * * * *

CHAPTER 5—DISTRICT COURTS

* * * * *

§ 104. Mississippi

Mississippi is divided into two judicial districts to be known as the northern and southern districts of Mississippi.

Northern District

[(a) The northern district comprises four divisions.

[(1) Eastern division comprises the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Prentiss, Tishomingo, and Winston.

【Court for the eastern division shall be held at Aberdeen, Ackerman, and Corinth.

[(2) The western division comprises the counties of Benton, Calhoun, Grenada, Lafayette, Marshall, Montgomery, Pontotoc, Tippah, Union, Webster, and Yalobusha.

【Court for the Western division shall be held at Oxford.

[(3) The Delta division comprises the counties of Bolivar, Coahoma, De Soto, Panola, Quitman, Tallahatchie, Tate, and Tunica.

【Court for the Delta division shall be held at Clarksdale and Cleveland.

[(4) The Greenville division comprises the counties of Carroll, Humphreys, Leflore, Sunflower, and Washington.

【Court for the Greenville division shall be held at Greenville.】

(a) The northern district comprises three divisions.

(1) The Aberdeen Division comprises the counties of Alcorn, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Prentiss, Tishomingo, Webster, and Winston.

Court for the Aberdeen Division shall be held at Aberdeen, Ackerman, and Corinth.

(2) The Oxford Division comprises the counties of Benton, Calhoun, DeSoto, Lafayette, Marshall, Panola, Pontotoc, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, and Yalobusha.

Court for the Oxford Division shall be held at Oxford.

(3) *The Greenville Division comprises the counties of Attala, Bolivar, Carroll, Coahoma, Grenada, Humphreys, Leflore, Montgomery, Sunflower, and Washington.*

Court for the Greenville Division shall be held at Clarksdale, Cleveland, and Greenville.

* * * * *

§ 105. Missouri

Missouri is divided into two judicial districts to be known as the Eastern and Western Districts of Missouri.

Eastern District

(a) The Eastern District comprises three divisions.

(1) The Eastern Division comprises the counties of Crawford, Dent, Franklin, Gasconade, **[Iron,]** Jefferson, Lincoln, Maries, Phelps, Saint Charles, Saint Francois, **[Saint Genevieve,]** Saint Louis, Warren, and Washington, and the city of Saint Louis.

Court for the Eastern Division shall be held at Saint Louis.

* * * * *

(3) The Southeastern Division comprises the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, *Iron*, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, *Saint Genevieve*, Scott, Shannon, Stoddard, and Wayne. Court for the Southeastern Division shall be held at Cape Girardeau.

* * * * *